Cochin Legislative Council Members' Exemption Bill.

Mr. C. A Kunjunni Raja.—Sir, I move that the Cochin Legislative Council Members' Exemption Bill be taken up and passed. The consideration of this Bill was finished in the last Council. For want of time the final reading had to be put off to this Council. This Bill is only an adaptation of Act XXIII of 1925 of the Governor-General-in-Council. The object of the Bill is only to exempt the Members of this Council from being arrested while they are doing Council work. With these words I move that this Bill may be passed.

Mr. T. A. Ramachandra Ayyar.—I second it.

President.—Any one to oppose the Bill?

(*The motion that the Bill may be taken up and passed was put and agreed to.*)

The Cochin Tenancy Regulation Amendment Bill.

Mr. C. A. Kunjunni Raja.—By this motion, I am to formally name the Members of the Select Committee. I think I ought to explain to this Council the events which led to this Bill being detained so long in the last Council. After the passing of the Cochin Tenancy Regulation II of 1090, the Government was getting complaints both from the landlords and the tenants, pointing out that the Regulation requires amendments in various particulars. The Government kept quiet for 5 long years, and in the meantime the Chief Court of Cochin also began to give expression to their views in several reported judgments, that the Regulation requires immediate amendments. During the time of Diwan Mr. (now Sir) Vijayaraghavachari opinions were invited from the Chief Court, the District Judges, the Additional Judges and the Bar Associations of Ernakulam and Trichur on the working of the Regulation, and when all these opinions were received, the Government felt it was necessary to appoint a Committee to consider all the aspects of the proposed amendments and even the personnel of the Committee was decided on by the Government.

Mr. K. T. Mathew.—May I know from where the Hon'ble Member for Jenmies got all this information?

Mr. C. A. Kunjunni Raja.—I applied to the Diwan under Standing Order 72, and I have been supplied by the Government with all the information—with all the papers connected with this matter. The Government have stated on the floor of this House that they have supplied me with all the papers in answer to the questions of this very questioning Hon'ble Member. The very Hon'ble Member has complained in this House times without number that papers have been supplied to me for drafting the Bill. What is the danger in this procedure? The Government was about to appoint a committee to go into this

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question and even the personnel of the committee was settled. By this time the Hon'ble Mr. Krishnan Nayar introduced his Bill in the Madras Legislative Council, and the Government wanted to see the fate of that Bill so that they may profit by the experience of Madras. Then this Council came into existence, and in the Legislative Session of 1101, questions Nos. 68 and 69 were put to the Government with regard to one of the observations in the *Administration Report* of 1096 whether they had an idea to introduce a Bill to amend the Tenancy Regulation. The question was when will this question of amending the Tenancy Regulation be taken up by the Government, and in answer to that a suggestion was thrown out by the Government Advocate that a Bill by a non-official Member will be quite welcome, that the enactment of the measure is a very difficult question to deal with, and that the Government will take up the matter as early as practicable and the suggestion was that a private Bill should be introduced by a non-official Member to hurry the matter. This fact will be borne out by a statement by the President reported at page 1140 of the Legislative Council Proceedings of 1102:—

"President.—The Government has been collecting materials on this question from various Departments. It also wanted to take up this question. The Government at last thought that it was not proper for it to come forward with a Bill which might be considered an infrinchment of the rights of this House. So the Government called on Mr. Kunjunni Raja and asked him whether he could take up the Bill. The Hon'ble Member consented and he has brought forward this Bill."

Mr. K. T. Mathew.—That amounts to this that the Government favoured the Jenmi Member and patronised him in an irregular and unconstitutional manner.

Mr. A. K. Vengu Ayyar.—No. The Government has not committed to any opinion in the matter. Only the facilities allowed by the Standing Orders have been given. The Government maintains only an impartial attitude in the matter.

Mr. K. T. Mathew.—What else does it mean?

I know Government is not generally in the habit of calling upon non-official Members to bring in a Bill; but in this case, the Government called upon the Jenmi representative to introduce and supplied all the necessary papers which the Government refused to give to other Members of this House, and in doing this, did the Government act impartially?

Mr. C. A. Kunjunni Raja.—Impartiality does not mean neutrality. To avoid controversy, difficult and complicated bills are introduced by non-officials sometimes. To catch the eye

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of the voter, this Bill is the election cry of this Council and its dangers have been magnified. I went through all the criticisms as I was supplied with all the papers, and with the valuable information before me I drafted this Bill. When I came for leave to introduce this Bill in the Kumbham Session of 1102, on account of the pressure of work, this item of business was not reached. Then I applied to the Diwan that the Bill may be published under Rule 29. This was acceded to as in the case of several Bills and the Bill came to be introduced in the Meenam Session of 1102, and the Bill was referred to a Select Committee with Mr. Kasturi Ranga Ayyar as the Chairman of the Committee. The Select Committee had one sitting and most of the important papers in the possession of the Government have been printed and circulated among the members. The Committee invited criticisms on the Bill and I can assure this House that we are in possession of nearly 500 criticisms from either points of view, all of them pointing out the necessity for the amendment of the Regulation. Some of them do not accept some of my amendments. They are all agreed that the Regulation has to be amended. There are various new suggestions and we have got now ample materials before us which will show that the Regulation is defective and has to be amended. Then when Mr. Kasturi Ranga Ayyar went on leave, it was not possible to nominate a Chairman, and the business of the Committee had to be stopped till Vrischigam 1103. The last Council was about to be dissolved in Meenam 1103. So the President thought that there was no sufficient time for the Bill to be gone through in the last Council. A statement was made by the Diwan-President in Vrischigam 1103 in the Council to ascertain whether there was any necessity to appoint a Chairman or whether they may wait for the new Council to take up this question. It was agreed that the time being too short, the Chairman need not be appointed. That is reported in the Council Proceedings of 1103 at pages 223 to 228. There also the Diwan-President makes his position clear.

"President.—Well, then, the question is whether this Tenancy Regulation which was passed so long ago as 1090 required any amendment, and if so, in what particular, and this question was engaging the attention of the Government for some time Inquiries were being made and materials collected on the point. Thus when the time came, I, in consultation with the Law Member, thought it not fit and proper for the Government to come forward with a Bill of their own. That, I thought, would be committing the Government to a definite position. The proper course appeared to be that the Government must keep an open

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mind and allow a full opportunity for this matter to be discussed all the *pros* and *cons* fairly and fully considered, and then arrive at a decision. Mr. C. A. Kunjunni Raja was referred to in this connection and he undertook the task of presenting a Bill and piloting it through the Council, and so it was brought forward. In the circumstances it was considered proper to publish the Bill in the Gazette without the preliminary step of leave being obtained."

That is how the fact stood. Now the present motion before you is to name the members of the Select Committee. It is not a motion for reference to a fresh Select Committee at all. The motion for reference has already been gone through in the last Council. This motion is under Standing Order 33 (2). "The other members of the Committee shall be named by the Council when the motion that the Bill be referred is made, or at any subsequent sitting." It is under the latter provision to name the members of the Select Committee that I have now tabled this motion. That the Regulation requires amendments is admitted on all hands. I would refer to a recent decision of the Chief Court reported in XVIII Cochin, page 124.

Mr. P. Kumaran Ezhuthassan.—On a point of information. The Hon'ble Member said that the question before the House just now is to name the personnel of the Committee and not the appointment of a fresh Select Committee. What I find as item 3 in the Agenda is for the appointment of a fresh Select Committee to consider this question of amending the Tenancy Regulation.

Mr. C. A. Kunjunni Raja.—The notice which I have given is under the combined operation of Rules 31 and 32 for the constitution of a Select Committee. The appointment of a fresh Select Committee is made by naming the members. There is no motion for *reference* to a Select Committee.

Mr. K. T. Mathew.—The Hon'ble Member cannot go beyond the Agenda. Whatever we have in the Agenda, we should follow.

Mr. C. A. Kunjunni Raja.—There is nothing wrong in the Agenda. The mistake is in your assumption that the motion is for a reference. Justice Mr. Narayana Menon, the learned Judge of the Chief Court, who writes the leading judgment in XVIII Cochin at page 124 says :—" We would take this opportunity to observe *once more* that the Regulation stands in need of being made *clearer and more definite on various matters* on which there exists *doubts and difficulties in working.*"

It is to remove these doubts and difficulties that this Bill is now brought before you. Under the ruling of the President

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the whole Regulation is open to amendment. You are not bound to follow any of my amendments. As such I think it is unnecessary that I should explain all the provisions of my Bill at this stage. The Council may select a representative committee focussing all points of view and then give me an opportunity to explain the difficulties in the working of the Regulation. It is a sheer waste of time and energy if this motion is objected to at this stage.

Mr. K. T. Mathew.—May I know what the motion is? According to the Agenda it is that the 'Hon'ble Member will move for the appointment of a fresh Select Committee." I emphasise the words *appointment of a Select Committee*. Appointment of a Select Committee does not mean merely naming the members of the Committee.

Mr. C. A. Kunjunni Raja.—The following Members shall be the members of the Select Committee:—

Dr. A. G. Menon and Mr. A. S. Harihara Ayyar from Chittur Taluk, Mr. K. T. Mathew and the mover from Talappalli Taluk, Dr. A. R. Menon and Mr. Ikkanda Warriar from Trichur Taluk, Messrs. T. A. Ramachandra Ayyar and V. D. Ousep from Mukundapuram Taluk, Mr. Seethi from Cranganur, Messrs. Salem, Kochunni Menon, Thomas Manjuran and Kannan Nayar from Cochin-Kanayannur, Mr. P. Krishna Menon, the Chairman of the Reception Committee of the Tenants' Conference, Mr. M. K. Raman for the Ezhuvas and the Diwan Peishkar, Government Advocate and the Superintendent of Agriculture for the Government.

Mr. K. T. Mathew.—This is not in order. I object. This is not moving for the appointment of a fresh Select Committee. We should follow the Agenda.

Mr. V. K. Kochunni Menon.—He is naming the members of the Select Committee. Nothing more is done.

Mr. K. T. Mathew.—There should be a motion for the appointment of a Select Committee, according to the Agenda.

Mr. T. K. Krishna Menon.—That is what he is doing.

Mr. K. T. Mathew.—In the Agenda it is a motion for appointment of a Select Committee.

Mr. T. K. Krishna Menon.—I do not know what is wrong with the Agenda. It is perfectly right.

Mr. K. T. Mathew.—I am saying that we should follow the Agenda. Moving for the appointment of a fresh Select Committee and merely naming the members of a Select Committee are two different things. According to the Agenda there should be a motion for the appointment of a Select Committee.

Mr. A. Sankara Menon.—The appointment is to be made. The motion is in order. With regard to the members who have

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been selected before, I do not think that they can be members of this Committee. When the old Council was dissolved, all the members ceased to be Members of the Council as also of the Select Committee. Therefore, all the members of the Select Committee have to be named again.

Mr. Thomas Manjuran.—I do not want to raise a point just now. There was a Committee functioning before. That is a different point.

Mr. A. Sankara Menon.—There is no motion here for a reference to a Select Committee. It is not necessary to make such a motion now as that stage has been over. Now the only thing to be done is to name the members of the Select Committee.

Mr. C. A. Kunjunni Raja.—I name the following Members :—

Dr. A. G. Menon, Mr. A. S. Harihara Ayyar, Mr. K. T. Mathew, Dr. A. R. Menon, Mr. E. Ikkanda Warriar, Mr. T. A. Ramachandra Ayyar, Mr. K. Mohamed Seethi, Mr. A. B. Salem, Mr. V. K. Kochunni Menon, Mr. P. Krishna Menon, Mr. K. P. Kannan Nayar, Mr. V. D. Ouseph, Mr. Thomas Manjuran, Mr. M. K. Raman, Mr. T. V. Kasturi Ranga Ayyar, (Diwan Peishkar), Government Advocate, Superintendent of Agriculture and the mover.

Mr. A. Eachara Menon.—I second it.

Mr. K. T. Mathew.—I rise on a point of order. I understood the Government Advocate was saying that, since the Select Committee had been appointed, or a motion for appointing it had been carried in the last Council, a further motion for the same is not necessary in this Council, and only the names of Members need be mentioned. Is it what the Government Advocate said ?

Mr. A. Sankara Menon.— Under the combined operation of sections 31 and 33.

Mr. Thomas Manjuran.—Will you kindly quote the reasons for it? I shall be favoured if you will refer me to the law you rely upon.

Mr. A. Sankara Menon.—Standing Order 31 (4) says : "the Member in charge may then immediately move that the Bill be referred to a Select Committee composed of such Members as he may specify". Then the next clause says, "if the Council agrees to such a motion, it shall appoint a Committee and may direct that its report shall be submitted within a specified period." There are two things here ; first, the Member in charge may immediately move that the Bill be referred to a Select Committee ; and if that is passed by the Council, then the next thing is the Council can appoint a Committee. Then we

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have got in section 33 "the official Member in charge of the Department to which the Bill relates and the Member who introduced the Bill shall be members of the Select Committee and it shall not be necessary to include their names in any motion for the appointment of a Committee." Then with regard to the other members, clause 2 provides "the other members of the Committee shall be named by the Council when the motion that the Bill be referred is made or at any subsequent sitting." Now the first step was over when there was a motion to refer the Bill to a Select Committee, and that motion was passed; the only other thing to be done is to name the members of the Committee, and for that we have got three provisions here, that is, 31 (5), 33 (1) and 33 (2). I think I have made the point clear.

Mr. Thomas Manjuran.—Although I am not free from doubt, I do not press.

Mr. V. D. Ouseph.—On going through the previous reports, I found this in the speech of Mr. T. V. Kasturi Ranga Ayyar :—"When the Council is dissolved, the Bill will lapse, unless the Member is returned again, and even then it is not clear at what stage it will be taken up and what use can be made of the materials. Our Standing Order No. 4 is not clear on that point. I suppose I am not taking too much of your time. I shall cut short my speech."

"President.—I mean to say, in the case of private Bills, if the Member is returned again, he can introduce; if the Member is not returned, any other Member with the leave of the Council can take it up."

"Mr. T. V. Kasturi Ranga Ayyar.—.But it is not clear at what stage he can take it."

Is there anything in our rules, will the Law Member be pleased to inform us, as to the stage at which the Bill must be commenced in this Council?

Mr. K. P. Kannan Nayar.—Standing Order 4 (3) makes it quite clear. It runs thus: "On the dissolution of a Council, all Government Bills which have been introduced shall be carried over to the pending list of business to the next Council and all private Bills shall lapse unless the Member in charge of the Bill is returned to the new Council or the Council, on a motion of any other Member desiring to take charge of the same, makes a special order for the continuance of the Bill." Therefore, I think the Bill will continue from the stage at which it was left behind.

Mr. A. L. Antony.—I shall read the section and then it will be found that it gives quite a different meaning. "On the dissolution of a Council, all Government Bills which have been introduced shall be carried over to the pending list of businsess

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to the next Council, and all private Bills shall lapse, unless the Member in charge of the Bill is returned to the new Council, or the Council, on a motion of any other Member desiring to take charge of the same, makes a special order for continuance of the Bill." That means, in the case of Government Bills which have been introduced they shall be carried over to the pending list of business to the next Council ; but all private Bills shall lapse. If the private Member returns to the next Council, at what stage, his old Bill has to be taken up is not clear from the section. It is not specified in it.

Mr. A. B. Salem.—I think it is beyond doubt that the Law Member's position is absolutely correct. The Bill will proceed in this House from the stage at which it was left, if the Member is returned. Therefore, the reference to the Committee which is to be made has already been passed. And upon that point, as the learned Advocate has mentioned I do not think there can be two opinions. The reference to the Select Committee stage has been passed. It is only after the reference to the Select Committee is passed that the nomination of the personnel of the Committee takes place. The Council having passed that, and since the last Council has been dissolved, the re-naming of the personnel is to take place now.

Mr. K. P. Kannan Nayar.—Before we proceed further, I would like to know the nature of the correspondence that passed between the Government and the Jenmi Member. On reading out the entire Proceedings of the last Council on this matter, it is clear that there were representations made to the Government by way of criticism from different committees and from the benches of the various courts here that the Tenancy Regulation requires amendment. To get over the difficult, that lay in the way of the Government, it was for the Government to bring in a Bill. They did not want to bring in a Bill on this subject. They thought the matter was rather delicate. Is there any objection for the Government to appoint an independent Committee to go into this question, when they know there is necessity to amend the Regulation, instead of a private Member moving a Bill to amend the Tenancy Regulation; Since the Jenmi Member has brought in this Bill, it is said to be a Jenmi Bill. If a representative of the Tenants brings in a Bill, it will be termed as a Tenant Bill, So, what I say is this. The Government may appoint a Committee composed of non-officials and officials to go into this question and to report what all changes have to be made in the present Tenancy Regulation itself.

Mr. Thomas Manjuran.—I mean an extra legislative Committee, as the Special Finance Committee. That cannot be done.

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Mr. A. B. Salem.—It is very objectionable. What is the Council here for? Now that cannot be done. The Government may introduce a Bill to consider that Committee's report.

Dr. A. G. Menon.—The Council may ask the Government to appoint a Committee to go into this question.

Mr. Thomas Manjuran.—In view of the information given by the Law Member, I do not propose to press the point. I think this House has the right of electing the members of the Select Committee. In this matter I am obliged to say the membership of the Select Committee suggested by the Jenmi Member does not appear to me to be satisfactory. Everybody knows that, for all intents and purposes, the last elections were fought on the question of the relationship between the tenants and Jenmies and particularly in connection with this Bill. So that, I beg to move, under the clauses 31 (2) and 33, that a Committee which I am going to nominate may be elected.

Mr. K. T. Mathew.—May I know from what stage the Government must have given permission to make such a motion? May I know whether the Government have passed any order in the matter as to the particular stage at which this motion should be taken up? In the Agenda, it is doubtful whether it should be from the beginning, the appointment of a Committee, or it should be only to bring forward a motion for the nomination of the Select Committee.

Dr. A. R. Menon.—On a point of order. Two are addressing the House at the same time.

Mr. Thomas Manjuran.—Under clause 33 (2) of the Standing Orders it is stated that "The other members of the Committee shall be named by the Council when the motion that the Bill be referred is made, or at any subsequent sitting." I am very much against changing the Regulation in such a manner as to correct what is now the Magna Charta of the tenant into that of the Jenmi. That is what I object to. In view of that fact I say that the Select Committee, which is to be appointed, should have the entire confidence of the non-official portion of the House and the Government should be neutral in that matter. Here I beg to respectfully submit that the Government should be neutral, and that Government should see that the wishes of the people are carried out. This is a very important matter involving the question of the rights of Jenmi and tenant and, therefore, I respectfully submit that the Government should leave it entirely to the non-official Members to name the personnel of the Committee.

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Mr. A. K. Vengu Ayyar.—We have left it entirely in the hands of the non-official Members here. We have nothing to do.

Mr. Thomas Manjuran.—I submit that the official Members in charge of the Departments and the mover are to be members of the Committee. As to the other members, I beg to suggest the names of Messrs. V. D. Ouseph (Irinjalakkuda), P. Kumaran Ezhuthassan (Vadakkancheri), K.Mohamed Seethi (Mussalmans), M. K. Raman (North Ezhuvas), K. T. Mathew (Kunnamkulam), P. Krishna Menon (Vyttila), Ouseph, P. Kundukulam (Mulakunnattukavu), M. A. Ckakko (Narakkal), A. B. Salem (Jews), C. V. Kuriyan (Antikad) and C. Barton Wright (Planters) and the Deputy President of this Council as Chairman.

Mr. T. K. Krishna Menon.—The Chairman of the Committee is to be named by the President.

Mr. Thomas Manjuran.—I intend him to be the Chairman. So I say, subject to your ruling, the Deputy President of the Council ought to be the Chairman.

Mr. M. A. Chakko.—I second it.

Mr. Thomas Manjuran.—I need not mention the names of the Government Members. No doubt it will be seen that this Committee is more representative of the tenants than of the jenmies. This Regulation is to affect a vast majority of the subject of the State. And so this Committee is more representative of the tenants. Almost all the non-official section of this House are Members returned by tenants to represent their cause. (*Hear, hear.*)

Now I find a very serious difficulty. But the ruling of the Chair prevents me from referring to that. And that is this. After all this labour is done, all the amendments formulated and the whole Bill cast in a satisfactory manner, the Member for Jenmies, if he is not entirely satisfied with the changes proposed, can quietly get up and say "I withdraw." This is a very serious matter. The time of the Members, the money of the Government and the convenience and the pressing problems of the tenants, all these can be washed off and thwarted by the simple whim —I do not say anything against my friend, the Jenmi Member— of the Jenmi Member. If he is not satisfied, if he is not able to satisfy the Jenmies, he can get up at any moment and say "I do not press this Bill."

Mr. C. A. Kunjunni Raja.—Without the leave of the Council, I cannot do that.

Mr. Thomas Manjuran.—If that were the case, I would have had no objection. If the Jenmi Member is not satisfied with the Select Committee's suggestions, he can say 'I withdraw.' He can withdraw without anybody's leave. Standing Order 44

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runs thus:—"The Member who introduced a Bill may at any stage of the Bill move that the Bill be withdrawn." To me it appears pernicious to place the convenience of the Members, the money of the Government and the pressing problems of the tenants at the mercy of the mover of the Bill. The Government seems to have asked this Member to introduce this Bill, although he is a Member sent here particularly to help the Jenmies' case. Not that I have anything against the Member personally. He is here to look after the interests of his constituency just as I am here to look after the interests of mine. I must say that I enter strong protest against the action of the Government in asking the Jenmi Memer to introduce this Bill. (*Hear, hear.*) It is a most retrogressive action and against all democratic ideas and precedents, as well as against the principle of democracy. What is the Government there for ? Have not the Government got a Law Officer to do the work, if necessary? The President, during a previous meeting, seems to have said that, since there was a problem affecting the tenants of the whole State, he asked the Jenmi Member to introduce a Bill. I do not want to go against the decision of the days' President, and criticise the attitude so adopted by the Government.

Mr. A. Sankara Menon.—I think the Hon'ble Member for Trippunittura is going beyond his province. The only motion is to name the members of the Select Committee. Other matters ought not to have been brought up.

Mr. Thomas Manjuran.—That is why I said I do not want to expatiate on the matter. I feel intensely in this matter and every Member returned by the tenants feel so. That is why I said these things. I, however, bow to the ruling of the President, that the matter should not be discussed. I referred to the matters with a view to bring the matter to the Government's notice so that at least now it may repair the very serious wrong done to the tenants. I pray the Government to stand neutral in the matter of electing the Select Committee. We are the representatives of the people, and we are nominating the members of this Committee, and I am glad to find that an assurance is now forthcoming from the Government that they would remain neutral in the matter.

Dr. A. G. Menon.—I am very sorry to find that the Hon'ble Member for Trippunittura at least left out the Chittur Taluk entirely. We are representatives of the Chittur Taluk and as such one should be made to represent the Chittur Taluk.

Dr. A. R. Menon.—I do not wish to bring in the sections one by one. But what I wish to point out is that the so-called representatives of the tenants are no representatives at all. I

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do not represent either the jenmies or the tenants. I represent the peasants, the *kanomdars* and the *verumpattomdars*. The other day at Kunnamkulam I had the opportunity to realise this. Whether they represent the jenmies or the tenants, these people get up and say 'don't you be misguided by these phrases.' There was a meeting in Kunnamkulam, and the Hon'ble Member for Kunnamkulam presided over it. I was one of the spectators. And the Hon'ble Member for Kunnamkulam in his introductory speech gave expression to the rights of farm labourers and peasants and the democratic subjects.

Mr. K. T. Mathew.—Have I objected to that?

Dr. A. R. Menon.—While you are discussing this question, may I say, Government must also look to the standpoint of the peasants also (*hear, hear*)? One of the reasons for obstructing this Bill is that the tenants' rights also must be looked into. I may state that I care neither for the jenmies nor for the tenants. I care for the people, and our homes. We represent these views in this Council. Therefore, we are anxious that this Bill should go into that question also. I do not care either for the jenmies or the tenants. I care for the peasants. I agree that the Government's action in asking the Jenmi Member to bring in this Bill looks suspicious. In any case the Bill should also look to the interests of the *kanomdar*, the *verumpattomdar* and the peasant. It is they who have returned us. So I move that this may be accepted.

Mr. A. L. Antony.—Then according to the Hon'ble Member for Trippunittura, the mover of a Bill is allowed to withdraw the same at any stage. The Hon'ble Member for Jenmies can legally withdraw the motion after the Committee has gone into the whole Bill and has drafted a scheme. We cannot be sure that he will not withdraw the Bill, especially when he is elected by the jenmies to represent their cause, and the amended Bill drafted by the Committee of the representatives of the tenants may not be agreeable to the jenmies. And suppose, after all the work is done, the jenmies are not satisfied; then the Jenmi Member might say 'I withdraw the motion.' I beg to submit, in that case, that the whole Bill will have to be thrown out and another Bill have to be introduced in this Council and a new Committee appointed and the whole process repeated. Therefore, it is better to throw out the present Bill and have a new Bill introduced and a new Committee appointed. So I oppose the motion for the appointment of a Select Committee for this Bill since so many other restrictions also are placed. For, the Committee cannot sit without the mover; the mover has a right to be in the Committee and further the mover has got a motive in suggesting the names to the Committee. Since all these privileges are given to him, I submit a fresh Se-

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lect Committee may be appointed by the Government and not by the Jenmi Member. I oppose strongly this motion.

Mr. K. T. Mathew.—I oppose the motion and second the opposition just now made. In opposing the motion I have just to refer to certain statements which the Jenmi Member brought to the attention of this House, that the Government was not in a position to bring in an amending Bill to this Council. The fact is otherwise. I call your attention to question No. 68 (a) and (b) answered on the 9th December 1928, pages 184-188. The answer is Government propose to introduce an amending Bill. Where is that Bill to amend the Tenancy Regulation? Did they bring it to this House?

Mr. A. Sankara Menon.—We are discussing something which is not before the House. The only question is the appointment of a fresh Select Committee. That is the only question before us. That ought to be emphasised.

Mr. K. T. Mathew.—The Member for Jenmies has made certain statements while moving his motion in this House. I think I too have got that right.

President.—The question before the House is whether the members named by the Jenmi Member or the members named by the Member for Trippunittura are to be the members of the Select Committee. That is the only question to be discussed—the naming of the members to the Select Committee.

Mr. K. T. Mathew.—There is the motion for the appointment of a fresh Select Committee.

President.—No, no. The Committee is there. You are only to name the members.

Mr. K. T. Mathew.—Where is the Committee? There is no Committee now in existence. According to the Agenda the Hon'ble Member has to move for the appointment of a Select Committee.

President.—The motion is for the nomination of the members to the Select Committee which is already in existence.

Mr. K. T. Mathew.—There is no Committee at all now in existence. The motion is for the appointment of a Select Committee. The Agenda says; "Mr. Kunjunni Raja will move for the appointment of a Select Committee" and so the motion should be for the appointment of a Select Committee.

President.—Yes.

Mr. A. L. Antony.—Here we find that a part of the motion lapsed with the dissolution of the former Council and another part of the same motion stands for this Council. The members of the Select Committee have lapsed; but the appointment of the Select Committee has not. These two things come under the same section; and the section is applicable to both. So I want a ruling from the President, whether a motion passed in the last Council for the appointment of a Select Committee

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as well as the naming of the members can be divided into two parts, out of which one part is now taken over to this Council, when that Member is returned, (there is no specific order in the Standing Orders) and the other part is left out altogether. I want a ruling as to that.

President.—The motion now is only to name the members of the Committee. That is my ruling.

Mr. K. T. Mathew.—Even granting that the Member for Jenmies is only naming the members of the Committee, I, being a Member of the Council, have got every right to oppose the motion. The Hon'ble Member for Trippunittura is amending the motion, and I am only opposing the motion. And I have every right to oppose it since the Member for Trippunittura is allowed to amend the motion.

Mr. A. K. Vengu Ayyar.—That has been ruled out of order.

Mr. K. T. Mathew.—I am opposing it. The Hon'ble Member for Trippunittura is amending.

Mr. V. K. Kochunni Menon.—The motion for the appointment of a Committee has already been passed.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—Even the nomination stage has passed.

Mr. K. T. Mathew.—I am opposing the motion and not amending.

Mr. C. J. Mathew.—Sir, it is out of order to oppose the motion. I should like to know according to the existing Rules whether it is out of order to oppose the motion brought forward by the Hon'ble Member for Jenmies. I want a ruling in this matter.

Mr. M. K. Raman.—I think there is some confusion. Section 31 (4) runs thus :—"The Member in charge may then immediately move that the Bill be referred to a Select Committee composed of such members as he may specify in his motion." That is to say the Member who is introducing the Bill is entitled to bring a motion to refer the Bill to a Select Committee and he may specify the names of the members of the Select Committee.

Your ruling, as I understand, is that that stage is already passed. Now we have to come to section 33, that is, the question of the personnel of the Committee. That is the stage at which we are now. I think my position is correct. My friend, the Member for Jenmies, has named certain persons and the Member for Trippunittura has named certain other persons. The question before the House is only which of these should be taken.

Dr. A. R. Menon.—There is another point also which I wish to place before you. There are two Members who have

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named the personnel of the Committee. One represents the Jenmies and the other the Tenants. You are not to adopt one of these suggestions. You must in fairness to the House represent all the phases of the Council. Both of them look after the interests of their respective constituencies. The House ought to have behaved a little more fairly. All parties' interests should be the interests of this Council, and all those interests should be represented. It is not a simple question. It is a question of life and death to 90 per cent of the people of the State. This is not a silly question, and the House has no right to give an arbitrary decision. You are to look into the dignity of the thing.

President.—You are using an unfortunate language.

Dr. A. R. Menon.—I was only saying that the House should not look into the question from those two view-points only. They are representing certain factions. Naturally, being human beings, they evidently look to their own interests.

Mr. Thomas Manjuran.—Who is denying that?

Dr. A. R. Menon.—Sir, I am the man who is in possession of the House. So I request that I may not be interrupted.

Therefore, as I say, in making nominations to the Select Committee, a little more discretion on the part of the Council is necessary. If the nomination is made by a third party, by an independent party it will be acceptable to the whole people. Such independent party should be composed of people who have not been unfortunate to be in either party, the tenants' party or the jenmies' party. I do not belong to either party. So that what I say is the Committee should be composed of such men who will represent all the interests.

Mr. A. Sankara Menon.—I think that, on account of the sides taken by the representatives of the jenmies and tenants, what I would suggest is that the members may be named one by one. One party will name one person, and when that motion is carried, another party may name another person, and so on. I think that would be the best course. Government Members will remain neutral.

Mr. P. Kumaran Ezhuthassan.—How many members should there be in the Committee? Only after considering that, these motions can be taken up. First of all that has to be settled.

The mover of the Bill, the representative of the Jenmies, has not got the right to name the personnel of the Committee. The appointment of a Committee and the nomination of the members to the Committee go together. Section 33 (4) says:—"The Member in charge may then immediately move that the Bill be referred to a Select Committee composed of such members as he may specify in his motion." Then 31 (5) says:—"If the Council agrees to such a motion, it shall appoint the Committee

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and may direct that the report shall be submitted within a specified period". It has been stated from the benches opposite that that stage, the reference to the Select Committee, is already over and the nomination of the personnel of the Committee only remains. I subm it that reference to Select Committee is not a thing which can be separated from the naming of the personnel of the Select Committee. If the reference is over in the previous Council, the mover has not got the right now to mention the personnel of the Committee. That naming of the personnel of the Committee is now entirely with the House and not with the Member in charge of the Bill.

Mr. C. A. Kunjunni Raja.—I am a Member of the House.

Mr.P. Kumaran Ezhuthassan.—That is not the Agenda before us. A motion to that effect cannot be made. Standing Order 31 (4) allows him to move for a reference to the Select Committee. If that motion is passed, under the same clause he is allowed to name the personnel of the Committee. One is not to be separated from the other. If at all he wants the privilege to name the personnel, he must go back to the other stage, move for the reference to the Select Committee composed of such members as he may specify. But that stage, according to the benches opposite, has passed. So the present stage is that the Council shall appoint the Committee. The Hon'ble Member for Ezhuvas North was telling that the question before us was which of the personnel named by the mover of the Bill or the Hon'ble Member for Trippunittura is to be considered. I differ from him. I support the Hon'ble Member for Kunnamkulam. I say the Hon'ble Member for Jenmies, the mover of the Bill, has no right to mention the personnel of the Committee unless he is prepared to move for reference to the Select Committee.

Mr. V. K. Kochunni Menon.—Every Member has the right to name the personnel.

Mr. P. Kumaran Ezhuthassan.—I know that.

Mr. M. K. Raman.—With regard to the Hon'ble Member's contention that the question before the House is which of the two nominations is to be accepted, section 31 (3) says that the official Member and the other members of the Committee shall be named hy the Council excepting the Government Advocate.

Mr. A. B. Salem.—The Member cannot mention; but the Council can mention. This would help the House a great deal. I have been trying my level best, Sir, to get a greater number of names upon the Committee. But there was some opposition upon the Bill at this stage. I have made it a point to explain to the people that it would be open to them to give to the Com-

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mittee their evidence, and to make their full suggestions regarding the adjustments of relations between the tenant and the jenmi. That was what was stated in this House on a previous occasion. The labourer too will come under this. Our land system ought to go. The condition of the labourer in this country is a very great question which this Committee will consider. And the Hon'ble Member for Jenmies would also support me, when I make this statement, that, when the Bill has been considered by the Select Committee, and when it comes before the House, the Hon'ble Member for Jenmies, in honour bound, after all that consideration and after all that labour and money and work, will not take up a position to withdraw that Bill.

Mr. Thomas Manjuran.—What is the guarantee for that?

Mr. A. B. Salem.—I have the support of the Jenmi Member for stating that.

I want to remove all preconceptions from this House on this matter. The Committee that is going to come need not be under the impression that you can only consider the provisions of this Bill. The Government has expressly stated that the Committee can consider the particular Bill and the amendments, and whatever other amendments that may be brought forward and that the Committee is to go into the whole question If the Hon'ble Member for Jenmies is going to withdraw the Bill, in response to his constituency, which is a thing I do not think will take place, we can at once introduce a Bill with all the considered opinion of the Select Committee into the Council. Therefore, there is a *via media* for that.

Then referring to the nomination of the Select Committee, what I have to say is, that the personnel of the Select Committee is the most important one. I, therefore, suggest to this Council that every taluk should be represented upon this Committee, so that the conditions of every taluk may satisfactorily be informed to the Committee. It is upon that idea that the last Select Committee was composed of 18 members and the same idea is even now open. So that, the Members who come from various taluks may rise up and say who from such taluk should be there. Otherwise, if you want to go by vote, no matter, we shall get the same.

Mr. K. T. Mathew.—My point of order still remains. The motion should be for the appointment of a fresh Select Committee. I think the Agenda has not been altered. May I know whether it has been altered ?

Mr. V. K. Kochunni Menon.—That point has already been decided.

President.—The motion is for the nomination of the members to the Select Committee.

Mr. K. T. Mathew.—My doubt is whether the Agenda as it stands will hold good.

I just want to know whether the Government have passed

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orders in the matter, supplying me with all the papers which have been supplied to the Jenmi Member, because the Government supplied the Jenmi Member with all the papers in this matter. I called upon the Diwan and asked the Government to give me the same. My request was rejected. Yes. I was not allowed to look into the papers. I want to know what is the attitude of the Government in this matter after giving all the papers to the Hon'ble Member for Jenmies.

Mr. K. P. Kannan Nayar.—May I make one suggestion? There are two lists here suggested, and it has been mentioned that the minimum number that would be required to represent the various constituencies is considered to be 18. Let us proceed by way of election. These 18 persons shall be those who get the largest number of votes.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—Let it be an odd number 17 or 19.

Mr. K. P. Kannan Nayar.—Let it be 19. There are some names suggested by the Jenmi Member and other names by the Member for Trippunittura. Some names are common. Whether they are common or not, let us see who are all the 19 persons who get the largest number of votes. That alone would help the situation, unless the non-official section are selected by the official section. I do not know if the non-official section will agree to that. Otherwise each name may be put to votes, and we ought to select the 19 persons who get the largest number of votes.

Dr. A. R. Menon.—I would request the Government officers to participate in these elections. Among them there may be a spirit of impartiality.

Mr. K. T. Mathew.—Facts show that is what the Government do not have in this matter. The Government many a time declared that they would keep an open mind and would not favour either the Jenmies or tenants. But what did they do? They called upon the Jenmi representative to introduce a Bill to amend the Cochin Tenancy Regulation. Is it right, I ask? Moreover, they supplied him with all the necessary papers in the possession of the Government and at the same time, as a Member of the Council, when I applied for these papers, they refused to give them to me. Does this show a spirit of impartiality? Further they published the amending Bill of the Jenmi

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representative in the Gazette before the last Council gave permission for leave to introduce it and made the leave of the Council to introduce it unnecessary ; and mark it, when some of the members of the last Council requested to publish similarly their Bills also in the Gazette, their requests were rejected. Does it not show that the Government have identified themselves with the Bill of the Jenmi representative and would do anything to get it passed? I should say that in all this and many other matters pertaining to this Bill the Government have betrayed the cause of tenants and have acted in an unconstitutional and unjustifiable manner and may I say, in an arbitrary way also.

Mr. T. K. Krishna Menon.—Sir, I rise to a point of order. I do not know whether the reputation of the Government can be attacked or its intention called into question here. More than once it was pointed out to the House that the Government keeps an open mind. The President said openly that this Bill might be improved in any form the Select Committee wanted, and it might be made a new Bill altogether. Any provision may be introduced into it.

Mr. C. J. Mathew.—I want to know whether the Government block will vote.

Mr. A. K. Vengu Ayyar.—Unfortunately, we are in a very sad predicament.

Dr. A. G. Menon.—Vote by ballot may be adopted.

Mr. K. T. Mathew.—Under Standing Order 26, I move that the Council pass to the business next in order.

Mr. K. J. Antony.—I second it.

President.—The question before the House is whether the Council may pass on to the next item in order under Standing Order No. 26.

(*Question put and agreed to.*)

Mr. C. A. Kunjunni Raja.—I want a poll, Sir.

President.—Those, who are in favour, please stand up.

The House divided:—Ayes, 23, Noes 18 and neutrals 3.

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Ayes.

1. Mr. I. E. Ambooken
2. ,, V. V. Anantapadmanabha Ayyar
3. ,, A. L. Antony
4. ,, K. J. Antony
5. ,, K. Ayyappan
6. ,, C. Barton Wright
7. ,, M. A. Chakko
8. ,, P. C. Chanchan
9. ,, S. S. Koder
10. ,, P. Krishna Menon
11. ,, T. Krishnan Nayar
12. ,, P. Kumaran Ezhuthassan
13. ,, A. K. Kunhu Moideen
14. ,, C. V. Kuriyan
15. ,, C. J. Mathew
16. ,, K. Mohamed Seethi
17. ,, Ouseph P. Kundukulam
18. ,, V. D. Ouseph
19. Mrs. G. Pavithran
20. Mr. M. K. Raman
21. ,, A. B. Salem
22. ,, Thomas Manjuran
23. Dr. E. A. Vergas

Noes.

1. Mr. A. S. Harihara Ayyar
2. ,, E. Ikkanda Warriar
3. Rao Bahadur Mr. John Kuriyan
4. Rao Sahib Mr. T. V. Kasturi Ranga Ayyar
5. Mr. V. K. Kochunni Menon
6. ,, T. K. Krishna Menon
7. ,, K. Krishna Pisharodi
8. ,, C. A. Kunjunni Raja
9. Rao Sahib Mr. C. Matthai
10. Mr. T. A. Ramachandra Ayyar
11. ,, I. Raman Menon
12. ,, K. Ramunni Menon
13. Dr. A. R. Menon
14. Mr. A. Sankara Menon
15. ,, V. B. Vaidyanatha Ayyar
16. ,, A. K. Vengu Ayyar
17. Diwan Bahadur Dr. V. Verghese
18. President

Neutrals.

1. Mr. A. Eachara Menon
2. Dr. A. G. Menon
3. Mr. K. P. Kannan Nayar

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